

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: G. Goicoechea et al. : Art Unit/Examiner
Serial No.: 08/463,987 : ATTN: REFUND SECTION
Filed: June 5, 1995 : Accounting Division
FOR: BIFURCATED ENDOLUMINAL : Office of Finance
PROSTHESIS : '95 OCT 11

REQUEST FOR REFUND

(Improper charge of Deposit Account)



Honorable Assistant Commissioner for Patents
Washington, D.C. 20231

**ATTENTION: Refund Section, Accounting Division,
Office of Finance**

S I R :

I. REFUND REQUEST

This is a request for refund with respect to the charge
to Deposit Account No. 18-0350 shown on the statement dated
June 30, 1995 for the above-identified

divisional application.

patent.

A copy of the monthly statement in which the
error referred to occurs, accompanies this
request.

II. FEES CHARGED FOR WHICH REFUND IS REQUESTED

	AMOUNT OF REFUND REQUESTED
<input type="checkbox"/> Filing fee	_____
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e))	_____
and/or	
<input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e))	_____
<input type="checkbox"/> Extension of term	_____
_____ month	_____
<input type="checkbox"/> Excess claims	_____
<input type="checkbox"/> Issue fee	_____
<input type="checkbox"/> Petition fee	_____
<input type="checkbox"/> Patent maintenance fee	_____
_____ maintenance fee	_____
<input type="checkbox"/> Patent maintenance fee surcharge	_____
<input checked="" type="checkbox"/> Other <u>Date Posted 6/30/95</u>	<u>\$137.00</u>
<u>Control No. 11127</u>	_____
<u>Description 08463987</u>	_____
<u>Fee Code 101</u>	_____
 TOTAL REFUND REQUESTED <u>\$137.00</u>	

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The contested charge to the deposit account is listed under fee code 101, which is the code for the basic filing fee. Upon reviewing the application as filed, applicant can identify no shortfall in the amount submitted with the application that would require additional payments.

Specifically, as shown on the fee calculation sheet (copy enclosed) submitted with the application, the applicant owed the basic filing fee for a small entity (the small entity declaration having been filed in prior application no. 08/317,763) of \$365, plus the additional fee of \$228 for submission of 6 extra independent claims, for a total of \$593. The applicant's attorneys' records reflect payment of this amount by check enclosed with the application (copy of check stub enclosed). As further confirmation that the full \$593 was submitted to and acknowledged by the U.S. PTO, enclosed is a copy of the post card submitted with the application and returned to applicant's attorneys by the U.S. PTO. The postcard shows that applicants submitted a check for \$593.

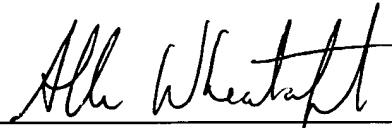
Accordingly, because the full \$593 was paid and no additional fee beyond the \$593 is due, applicant's attorneys' deposit account no. 18-0350 was improperly charged the amount of \$137. Refund of this amount is respectfully requested by crediting this deposit account.

IV. MANNER OF REFUND

Please make refund by

crediting Account No. 18-0350.
 refunding payment.

Respectfully Submitted,



Allan Wheatcraft, Reg. No. 36,307
Attorney for Applicants

AMW/jjk

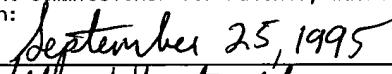
Dated: September 25, 1995

Enclosures: Monthly Statement;
Post Card;
Fee Calculation Sheet;
Check Stub

500 N. Gulph Road
P.O. Box 980
Valley Forge, PA 19482
(610) 265-6666

The Assistant Commissioner is hereby
authorized to charge payment to Deposit
Account No. 18-0350 of any fees
associated with this communication.

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C.
20231 on:



Allan M. WHEATCRAFT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

To: Group 330 / SAE

From: OFFICE OF FINANCE

Deposit Accounts - Location 016 RM CP2-1B01
 Cash Receipts - Location 017 RM CP2-1B01
 Refund Section - Location 015 RM CPK1-802B

Subject: FINANCIAL INQUIRY

Serial/Registration Number 08463987 is assigned to your Group/Division. Please review the attached inquiry regarding the fee and return to the above location with advice as to what action should be taken. If a fee adjustment is required, please forward file with this response and give explanation.

CHARGE \$ _____
 REFUND \$ 137.00

Explanation: _____

Forwarded by:

Date: 1-29-96

Returned by:

Date: _____



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

MONTHLY STATEMENT
OF DEPOSIT ACCOUNT

To replenish your Deposit Account, detach and return top portion with your check. Make check payable to Commissioner of Patents & Trademarks.

RATNER & PRESTIA
P.O. BOX 980
VALLEY FORGE, PA. 19482

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUL 19 1995

RATNER & PRESTIA
FINA

Account No.	18-0350
Date	06-30-95
Page	1

PLEASE SEND REMITTANCES TO:
Patent and Trademark Office
P.O. Box 70541
Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEES CODE	CHARGES	CREDITS	BALANCE
YR.	DAY	YR.							
6	5	95	10060	08192165	YNI-010	581	4000		240207
6	15	95	16106	08393090	TUN440	201		89300	329507
6	26	95	18060	08351232	MUR-4370	154		13000	342507
6	27	95	30019	07827839	MUR-539	122	13000 <i>for services</i>		329507
6	30	95	11125	08463987	END-210	101	13400 <i>ok</i>		316107
6	30	95	11126	08463987	END-210	101		13400 <i>ok</i>	329507
6	30	95	11127	08463987	END-210	101	13700		315807

AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT.	OPENING BALANCE 244207	TOTAL CHARGES 44100	TOTAL CREDITS 115700	CLOSING BALANCE 315807
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*** O.D. INDICATES OVERDRAWN



June 5 25

U.S. Commissioner of Patents and Trademarks
Please acknowledge receipt of the documents
described below by imprinting the Patent & Trademark
Office 'date-stamp' hereon and returning this card to the
addressee, as indicated on the reverse side.

FILE NO. 96-210 FEE DUE? YES/NO AMT FNC'D \$ 593.00

NAME George Zimmerman, et al.

DOCUMENTS 101,000,000,000 (240pgs)
App. (8 pg), Des. (1 pg), Cols. (1 pg), Dm. (1 pg), 163,987
Serial

JUN 29 1995

NEW APPLICATION

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.60				
ATTORNEY'S DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIORITY APPLICATION EXAMINER L. Fossum	ART UNIT 3308
	CLASS	SUBCLASS		
END-210				

Address to:

Assistant Commissioner for Patents:
Washington, D.C. 20231

This is a Request for filing:

A Continuation
 A Divisional

application under 37 CFR 1.60 of pending prior application Number 08/317,763 filed on October 4, 1994 entitled
BIFURCATED ENDOLUMINAL PROSTHESIS.

1. Enclosed is a copy of the latest inventor signed prior application, including the oath or declaration showing the original signature or an indication it was signed. I hereby verify that the attached papers are a true copy of the latest inventor signed prior application number 08/317,763, and that no amendments referred to in the oath or declaration filed to complete the prior application introduced new matter therein, and further that all statements made herein of my own knowledge are true; and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR:	No. Filed	No. Extra
Basic Fee		
Total Claims	9-20=	*0
Indep Claims	9-3=	*6
<input type="checkbox"/> Multiple Dependent Claim Presented		

*If the difference in Col. 1 is less than zero,
enter "0" in Col. 2.

SMALL ENTITY

Rate	Fee
	\$365
x \$11	\$
x \$38	\$228
+\$120	\$
TOTAL	\$593

OTHER THAN A
SMALL ENTITY

OR	Rate	Fee
OR		\$730
OR	x \$22	\$
OR	x \$76	\$
OR	+\$240	\$
OR TOTAL		\$

2. A verified statement to establish small entity status under 37 CFR 1.9 and 1.27

is enclosed.

was filed in prior application number Number 08/317,763 and such status is still proper and desired (37 CFR 1.28(a)).

3. The Assistant Commissioner for Patents is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 18-0350. A duplicate copy of this sheet is enclosed.

4. A check in the amount of \$593.00 is enclosed.

5. Cancel in this application original claims 2-53 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6. The inventor(s) of the invention being claimed in this application is (are) George Goicoechea, John Hudson, and Claude Mialhe.

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.60

7. This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.60(b), the Assistant Commissioner for Patents is requested to delete the name(s) of the following person or persons who are not inventor(s) of the invention being claimed in this application ____.

8. Amend the specification by inserting before the first line the sentence:
"This application is a continuation
 division
of application number 08/317,763, filed October 4, 1994, (status: pending) which is a Continuation-in-Part of application 08/312,881, filed September 27, 1994, status: pending. "

9. New formal drawings are enclosed.

10. Priority of application numbers EP94400284.9, filed on February 9, 1994 in the EPO and EP94401306.9, filed on June 10, 1994 in the EPO is claimed under 35 U.S.C. 119.
 The certified copy has been filed in prior application number 08/312,881, filed September 27, 1994.

11. A preliminary amendment is enclosed.

12. The prior application is assigned of record to MinTec, Incorporated.

13. Also enclosed ____.

14. The power of attorney in the prior application is to: Paul F. Prestia (Req. No. 23,031), Allan Ratner (Req. No. 19,717), Andrew L. Ney (Req. No. 20,300), Kenneth N. Nigon (Req. No. 31,549), Kevin R. Casey (Req. No. 32,117), Guy T. Donatiello (Req. No. 33,167), James C. Simmons (Req. No. 24,842), Viviana Amzel (Req. No. 30,930), Benjamin E. Leace (Req. No. 33,412), Lawrence E. Ashery (Req. No. 34,515), Christopher R. Lewis (Req. No. 36,201), Steven E. Koffs (Req. No. 37,163), Anthony L. DiBartolomeo (Req. No. 37,308), Allan M. Wheatcraft (Req. No. 36,307), and Anthony Grillo (Req. No. 36,535).

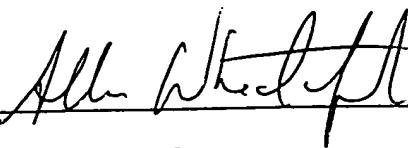
a. The power of attorney appears in the original papers in the prior application.

b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Paul F. Prestia
Ratner & Prestia
500 N. Gulph Road
P.O. Box 980
Valley Forge, PA 19482
(610) 265-6666

June 5, 1995
(date)

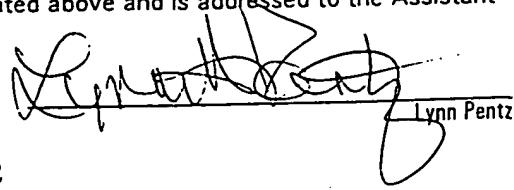

(signature)
Allan M. Wheatcraft, Reg. No. 36,307

attorney or agent of record
 Filed under 37 CFR 1.34(a)

CERTIFICATE OF EXPRESS MAILING (37 CFR 1.10)

EXPRESS MAIL Mailing Label Number: EG519157542US
Date of Deposit: June 5, 1995

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


EG519157542US

RATNER & PRESTIA**VENDOR USPTO**

OUR REF. NO.	YOUR INV. NO.	INVOICE DATE	INVOICE AMOUNT	AMOUNT PAID	DISCOUNT TAKEN
17541	END-210	06/05/95	593.00	593.00	593.00
Parent	Serial No.	08/317,763		Check total	593.00

CHECK NO. 013975